

REMARKS

Summary of the Office Action

Claims 1-4, 9 and 12 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Fujita et al.* (U.S. Patent No. 6,172,786).

Claims 1-4, 9 and 12 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by *Itoh et al.* (U.S. Patent No. 5, 946,122).

Summary of the Response to the Office Action

Applicants have amended claims 1, 9 and 12 to more clearly define the invention. Accordingly, claims 1-4, 9 and 12 remain pending for further consideration.

The Rejections under 35 U.S.C. §102(e) and §102(a)

Claims 1-4, 9 and 12 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Fujita et al.* Also, claims 1-4, 9 and 12 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by *Itoh et al.* To the extent that these rejections might be reapplied to the claims as newly-amended, it is respectfully traversed as being based on a reference that neither teaches nor suggests the novel combination of features recited in the claims.

With respect to independent claims 1, 9 and 12, as newly-amended, Applicants respectfully submit that neither *Fujita et al.* nor *Itoh et al.* teaches or suggests the claimed combination, including at least the feature wherein “a periphery of the mass member is larger

than a periphery of the non-rotary section of the driving motor and is larger than a periphery of the polygon mirror."

The Office Action cites to Figs. 5 and 11 of *Fujita et al.* to allege that *Fujita et al.* discloses all the limitations of independent claims 1, 9 and 12. Further, the Office Action cites to Figs. 1 and 2 of *Itoh et al.* to allege that *Itoh et al.* also discloses all the limitations of independent claims 1, 9 and 12. Applicants respectfully disagree.

Applicants respectfully submit that the cited drawings of *Fujita et al.* discloses an upper thrust plate 111 (allegedly corresponding to the claimed mass member), a periphery of which is smaller than that of an insulating base board 114 (allegedly corresponding to the claimed non-rotary section) and also smaller than that of a polygon mirror 22. Further, Applicants respectfully submit that the cited drawings of *Itoh et al.* discloses a retaining sheet plate 118 (allegedly corresponding to the claimed mass member), a periphery of which is larger than that of a core shaft 102 (allegedly corresponding to the claimed non-rotary section) but smaller than that of a polygonal mirror 116. Unlike the instant application where Figs. 3 and 4 show a structure characterized in that a periphery of a mass member 72 is larger than that of a non-rotary section 44 and is larger than that of a polygon mirror 24, Applicants respectfully submit that neither *Fujita et al.* nor *Itoh et al.* teaches or suggests the claimed combination including at least the feature wherein "a periphery of the mass member is larger than a periphery of the non-rotary section of the driving motor and is larger than a periphery of the polygon mirror," as recited by newly-amended independent claims 1, 9 and 12.

Accordingly, for at least these reasons, Applicants respectfully assert that the rejection under 35 U.S.C. §102(e) and §102(a) should be withdrawn because the applied references *Fujita*

et al. and *Itoh et al.* do not teach or suggest each and every feature of newly-amended independent claims 1, 9 and 12. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the rejection of dependent claims 2-4 should also be withdrawn at least because of their dependencies from independent claim 1 and for the reasons set forth above.

With no other rejection pending, Applicants respectfully submit that claims 1-4, 9 and 12 are in condition for allowance.

Conclusion

In view of the foregoing, withdrawal of the rejection and objection and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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